



International Covenant on
Civil and Political Rights

Distr.
GENERAL

CCPR/C/SR.1404
19 April 1995

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Fifty-third session

SUMMARY RECORD OF THE 1404th MEETING

Held at Headquarters, New York,
on Thursday, 30 March 1995, at 3 p.m.

Chairman: Mr. EL-SHAFEI
(Vice-Chairman)

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT (continued)

Second periodic report of Yemen (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.



In the absence of Mr. Aguilar, Mr. El-Shafei, Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Yemen (continued) (CCPR/C/82/Add.1)

Constitutional and legal framework within which the Covenant is implemented, right to self-determination, state of emergency, non-discrimination, protection of the family and children, and rights of persons belong to minorities (arts. 1, 2, 3, 4 and 23-27 of the Covenant) (section I of the list of issues) (continued)

1. At the invitation of the Chairman, Mr. Al-Hubaishi (Yemen) took a place at the Committee table.
2. Mr. AL-HUBAISHI (Yemen), responding to remaining questions on section I of the list of issues, explained that although the Covenant had a higher status than domestic law, it was not above the Constitution. It could be invoked directly in the courts. Since constitutions, however, embodied general principles and were not legal texts in the strict sense of the term, the primary issue was to avoid any contradiction between the Covenant and the national legislation. He agreed that the Government must provide training in human rights to members of Parliament, since they were the ones who must adopt human rights legislation.
3. Concerning equality of women, it was not the general rule that women could not leave home without their spouses' permission. A wife could certainly go out to visit her relatives, to go to market, or for any reasonable purpose. Women also had the right to divorce and could do so simply by applying to the judicial authorities for a divorce, but their right to a dowry was set aside upon dissolution of the marriage. At that point, the wife, who initially was given custody of the children, had the right to receive both alimony and child support from her former husband. Husbands, on the other hand, had no right to maintenance except for a short period of time. Polygamy was permitted in theory, but in practice it was practically impossible to secure court permission because, according to Yemen's interpretation of the Koran, one could not be just to more than one wife.
4. Female genital mutilation did not exist in Yemen. In the past it had been practised, but only in a small coastal region along the Red Sea. As to physical violence, both the legislation and the Shariah condemned it and considered it justification for divorce. On the question of the protection of honour and its consequences in judicial decisions, he pointed out that the issue was not restricted to the Shariah but also came up in modern legislation.
5. Men did receive a greater share of inheritances than women because, according to the Shariah, women were cared for by their spouses and therefore did not need wealth as much as they needed the support of a man, especially in a

/...

traditional society. Experts on the Shariah, however, pointed out that there were many ways, such as grants, wills and endowments, to achieve equality with regard to inheritance.

6. An effort had been made to eradicate illiteracy among women. There were now no illiterate women as far as elections were concerned, since a voter needed only to be able to sign his or her name and could vote by thumbprint.

7. The Yemeni Nationality Act (CCPR/C/82/Add.1, para. 102), like the legislation of other countries, did in fact prescribe that nationality was inherited through the father, and thus the children of a woman married to a foreigner were not granted citizenship. However, the competent authorities could be requested to add such children to their mother's passport. With regard to the employment of minors, there was a Ministry and a Directorate responsible for inspections to prevent child labour. Regarding the Yemeni Jewish minority, only 500 remained and they were generally active as tradesmen and artisans.

Right to life, liberty and security of the person, treatment of prisoners and other detainees, and right to a fair trial (arts. 6, 7, 9, 10 and 14 of the Covenant) (section II of the list of issues)

8. The CHAIRMAN read out section II of the list of issues, namely: (a) the impact of the recent civil war in Yemen on the exercise of the rights guaranteed under the relevant articles of the Covenant; (b) any measures taken to investigate allegations of extrajudicial executions, disappearance, torture or other inhuman or degrading treatment or punishment and arbitrary detention by members of the army or any other security forces, in order to bring those found responsible before the courts and to prevent any recurrence of such acts; (c) clarification as to whether the death penalty had been imposed and carried out during the period under review and for what crimes, and whether there were plans to revise the law with a view to reducing the number of offences currently carrying the death penalty; (d) the rules and regulations governing the use of weapons by the police and security forces, any violations thereof and any measures taken to prosecute persons found guilty and to prevent recurrence; (e) action by the authorities to ensure compliance with article 7 of the Covenant; (f) information on the possibility of using confessions or testimony obtained under duress in court proceedings; (g) arrangements for the supervision of places of detention and procedures for receiving and investigating complaints of abuses against detainees; (h) ways in which the independence and impartiality of the judiciary was ensured, together with information on provisions governing the tenure, dismissal and disciplining of members of the judiciary.

9. Mr. AL-HUBAISHI (Yemen) said that during the civil war period the Government had never given instructions for measures that went beyond the framework of constitutional legitimacy or international conventions, or even international custom. Some fighting units, however, had committed excesses which had been remedied as soon as the Government had been apprised of them. No such excesses had been reported since that period. The Government was constantly striving to improve the performance of State organs within the framework of the right to life and human dignity.

/...

10. The Constitution and laws of Yemen of course imposed penalties for the acts enumerated in section II (b) of the list of issues, and the victims or their families could ask for compensation. It should be noted, however, that false rumours of such activities had been fed by politicians to the public to reduce the stature of their political opponents.

11. With regard to section II (c), many civilized States retained the death penalty. On the basis of the Shariah, Yemen permitted the death penalty, with strict limitations. Recent legislation - and the Government had no intention of revising it in the near future - contained many guarantees such as the right to appeal or to request alleviation of penalty and the need to secure the approval of the Head of State through the Ministry of Justice prior to execution.

12. The rules and regulations referred to in section II (d) prescribed that weapons could be used only in extreme cases. However, during the civil war, some irregular forces posing as official forces had used weapons. Abuses often stemmed from ignorance and the desire for personal vengeance. Since then, the Government had done everything possible to prevent such occurrences and to punish the offenders.

13. Torture was forbidden under Yemeni law as well as under the Shariah, and victims had the right to bring criminal proceedings. He knew of no cases that had not been dealt with by the Government after the fact. With regard to section II (f), both domestic law and the Shariah forbade the use of confessions or testimony obtained under duress, and courts had declared such testimony null and void in specific cases.

14. With reference to section II (g), the Organization of Prisons Act (CCPR/C/82/Add.1, para. 30) governed conditions and treatment in places of detention. In some far-flung areas of the country its regulations had been ignored and some persons had been detained arbitrarily, but that situation had occurred less frequently in recent times. Everyone had the right to complain about mistreatment or abuse of detainees and publicize such complaints so that the Government could intervene and prevent their recurrence.

15. Concerning section II (h), the Judicial Authority Act stipulated - and the Constitution had recently been revised to include - a provision regarding the independence of the judiciary. Judges could not be disciplined or dismissed except on order of the Supreme Council of Justice, on which the judges were represented. Some cases of judicial corruption, caused by the poor economic status of the judges or by pressure put upon them, had come to light. Efforts had been made, however, to improve the material position of judges and to appoint young, well-trained and competent judges who would not be subject to pressure. There were many cases in which the courts had decided in favour of the citizens in proceedings against judges.

Liberty of movement and expulsion of aliens, and freedoms of conscience, religion, assembly and association (arts. 12, 13 and 18-22 of the Covenant) (sect. III of the list of issues)

16. The CHAIRMAN read out section III of the list of issues, namely: (a) the impact of the recent civil war in Yemen on the exercise of the rights guaranteed

/...

under the relevant articles of the Covenant; (b) the main differences in the status of Islam and of other religious denominations, information on any cases of discrimination against non-Muslim believers and any measures taken to prevent the recurrence of discriminating acts; (c) information concerning the law and practice relating to permissible interference with the right to privacy; (d) the limits imposed by law on the exercise of the freedoms of thought and expression; (e) information on the legislation and the practice concerning public meetings.

17. Mr. AL-HUBAISHI (Yemen), referring to section III (a) of the list of issues, said that freedom of movement and residence within the country was guaranteed under the Constitution and article 12 of the Covenant, as was freedom to leave Yemen without permission. A citizen could not be prevented from returning but could, if necessary, be prevented from leaving the country upon a court decision after trial. The Constitution and the Press and Publications Act guaranteed free expression of thought and opinion. The law incorporated the same restrictions as in article 19, paragraph 3, of the Covenant, but the press was very free in Yemen and the Head of State and members of the Government were often criticized personally. Indeed, the Government had lost some court cases it had brought against specific periodicals and individuals.

18. With regard to article 22 of the Covenant, legislation on associations (1962) and the right to work (1995) guaranteed the freedom to form associations and trade unions. Although Yemen had only recently introduced the concept of free trade unions, there were currently 1,080 such organizations and associations. Drawing attention to article 22, paragraph 2, of the Covenant, he said that members of the armed forces and the police were prohibited from belonging to political parties, since Yemen had only recently accepted political pluralism and there was a danger that their weapons might be used against opponents.

19. With regard to the questions in section III (b) of the list of issues, he said that tolerance of all religions was the prevailing philosophy in Yemen. Political extremists had desecrated a holy place during the civil war and the Government had taken steps to prevent the recurrence of such acts.

20. Personal freedom and the freedom to live where one wished were guaranteed in his country. Although excesses had been committed, because some inhabitants were ignorant of the relevant local laws, the press publicized such incidents and the Government took steps to rectify the situation. The limits imposed by law on the exercise of the freedoms of thought and expression, which did not exceed those allowable under the Covenant, included measures to ensure respect for the rights of others and public order and to protect national security.

21. Pursuant to the Constitution, a law guaranteed the right of peaceful assembly with no restrictions other than those necessary in the interests of national security, public order, the protection of morals and the protection of the rights of others, in accordance with article 21 of the Covenant. Because some meetings had degenerated into attacks on property and individuals, prior authorization of meetings by the appropriate government authority was now required.

22. In conclusion, he said that his country was making every effort to ensure respect for democracy, human rights and fundamental freedoms, and it welcomed the guidance of the Committee.

23. Mrs. EVATT said that, although she appreciated the additional information provided by the reporting State, its replies had been too general in nature. The Covenant imposed positive obligations to make rights effective, which required much more than adopting legislation. The purpose of the dialogue on the list of issues was to test how effective legal measures were by determining whether rights were being, or were in danger of being, violated, whether remedies were adequate and what further preventive or remedial measures were required.

24. With regard to excision, she was puzzled by the contradiction between the information provided at the preceding meeting and that given at the current meeting.

25. As to the list of issues, she sought information on the extent of allegations of breaches of the rights mentioned in section II (b), along with specific examples of persons prosecuted, the number of cases brought to court, and practical steps taken to prevent the recurrence of such violations, including new regulations and training programmes. With respect to section II (c), the reporting State should indicate the crimes for which the death penalty could be imposed, the number of cases in which the death penalty had been imposed and carried out and information on whether juveniles under the age of 18 had been executed. Under section II (d), the Committee wished to learn exactly what the relevant regulations were, whether there had been any actual violations and whether training programmes existed to ensure that the rules and regulations were complied with.

26. Mr. MAVROMMATIS said that he shared the views expressed by Mrs. Evatt and wished to provide further examples of the type of information the Committee believed was important. Under section II (a) of the list of issues, he wished to know what measures had been taken by the Government during the Civil War to minimize civilian casualties, to bring about the release of persons who may have been arrested by militias and to ensure that they were treated in a manner consistent with articles 6, 7, 9, 10 and 14 of the Covenant. Similarly, information on the impact of the recent civil war on the courts would be useful.

27. As to section II (c), the reporting State should provide a list of those offences which carried the death penalty and inform the Committee whether the death sentence had been imposed since the submission of its initial report and whether any of the sentences handed down had been contrary to article 6 of the Covenant. As to the delegation's comments concerning other countries which imposed the death penalty, he noted that questions similar to those he had raised in respect of Yemen were put to any State party which imposed the death penalty. The Covenant called for a reduction in the number of offences for which the death penalty could be imposed, with the ultimate objective of eliminating that sanction completely. States parties were also urged to accede to or ratify the second Optional Protocol when ready.

28. With respect to section II (h), further details regarding the Supreme Council of the Judiciary were needed - for example, who its members were, who appointed them and who it advised. Since the tenure of judges was secure, he wondered under what circumstances they could be removed or transferred, whether their emoluments were guaranteed, whether they were immune from civil prosecution for acts or omissions that occurred in the discharge of their duties and how the Council functioned in practice.

29. Mr. POCAR associated himself with the comments made by Mrs. Evatt and Mr. Mavrommatis. Many more details were needed about the concrete measures which had been taken by the Government to protect human rights. The Constitution of the reporting State did not contain a specific provision protecting the right to life, and paragraph 12 of the report linked that right to crime and punishment. Thus, the right to life had a lower status in Yemen than it did in the Covenant.

30. Paragraph 14 of the report stated that the death penalty was applied in accordance with the provisions of Shariah. He wished to know whether the provisions of Islamic law met the requirements of the Covenant with respect to restrictions on the imposition of the death penalty. Similarly, article 33 of the Constitution prohibited inhuman treatment only in respect of the execution of penalties, whereas the scope of article 7 of the Covenant was much broader since it applied to any instance of inhuman treatment. He wondered whether the right of persons to bring allegations of inhuman treatment before the courts was limited by article 33 of the Constitution, or whether it could be exercised in a broader context.

31. The Constitution stipulated that forced labour could not be imposed on citizens unless required by law for the performance of a public service in return for equitable remuneration. However, the limits of the Covenant with respect to compulsory labour were far narrower.

32. With regard to section II (b) of the list of issues, non-governmental organizations had reported that certain safeguards provided in the Constitution and in the Code of Criminal Procedure to persons deprived of their liberty were not in practice applied to individuals detained in the custody of the Political Security Office. He wished to know whether that information was correct, how the Office functioned and what its detention premises were like. With respect to paragraph 22 of the report, he wished to know whether a system of legal aid existed for prisoners who could not hire a lawyer.

33. The standards established in the Constitution clearly were lower than those set out in the Covenant. Accordingly, full compliance with the Covenant must be assured through legislation or through the direct invocation of rights before the courts. He wished to know whether the rights and interests which citizens were entitled to protect before the courts were the rights enshrined in the Covenant.

34. Mrs. MEDINA QUIROGA expressed concern at the absence in the Constitution of a specific provision protecting the right to life. She associated herself with the request from earlier speakers for far greater detail regarding the measures taken to implement the Covenant.

/...

35. With reference to paragraph 74 of the report, she wished to know what type of acts were designated as offences for short or specific periods of time and why, once there was a national consensus that a particular act no longer constituted an offence, it was still punishable. She also sought an explanation of the reference in paragraph 87 of the report to a political party or organization which opposed religion.

36. Mr. BRUNI CELLI said that the Committee would appreciate additional data on instances in which the death penalty had been imposed in recent years and whether legislation would be amended to decrease the number of crimes for which the death penalty was applicable. The initial report submitted by the Government of the People's Democratic Republic of Yemen (CCPR/C/50/Add.2) had specified that the death penalty was imposed when it was considered necessary to protect society and when it was deemed that a prison penalty would not correct the behaviour of the criminal. Since there was no specific list of crimes for which the death penalty could be imposed, it was unclear how sentencing was determined. Paragraph 17 of the current report, which dealt with the prohibition of torture and cruel treatment or punishment, stated that article 33 of the Constitution stipulated that "degrading and inhuman forms of treatment shall not be permitted when executing penalties". The reporting State should clarify whether it considered the amputation of limbs to be cruel and inhuman punishment and how such punishment could be reconciled with article 33 of the Constitution and article 7 of the Covenant.

37. Mr. KLEIN said that the Committee would appreciate additional information on political prisoners in Yemen. It would be helpful if the reporting State could confirm reports that Mansour Rajih, a poet, had been in prison for an extended period of time and provide any additional information regarding his and other such cases. He asked whether any efforts had been made to address the problem of overcrowded prisons. For example, in the central prison of Sana'a a facility intended to house 800 prisoners, there were currently more than 2,000 inmates. As stated in paragraph 28 of the report, article 32 of the Organization of Prisons Act No. 48 provided for juveniles to be isolated from adult prisoners. He asked how it was possible to observe that provision in view of such overcrowding.

38. The Committee had received reports of executions of children and juveniles, including the case of a 13-year-old boy who had been executed in public in 1993. He would appreciate more information regarding that and any other cases in which children had been executed or sentenced to death and were awaiting execution. Details on how the death penalty was carried out in general should also be provided.

39. With regard to article 7 of the Covenant, the Committee wished to know which forms of corporal punishment were permitted under the Code of Criminal Procedure and in which cases amputation and whipping were allowed. The reporting State should also indicate whether any individuals had died as a result of corporal punishment and whether persons subjected to such punishment were allowed to receive medical treatment if necessary.

40. With regard to the issue of freedom of the press, he asked how many newspapers had been banned and forced to cease publication. Information on the

/...

practical ways in which laws to protect human rights were applied would be welcome.

41. Mrs. HIGGINS welcomed the efforts of the representative of Yemen to answer the Committee's oral questions under section I; however, while there were some very good aspects to the Constitution, such as the provisions under article 32, it had failed to protect certain rights guaranteed under the Covenant. The Committee would appreciate more specific information regarding allegations of torture in Yemen. States parties to the Covenant had the responsibility to observe article 7 and to investigate all such allegations.

42. Mr. AL-HUBAISHI (Yemen) thanked the Committee for helping his country to resolve the many problems it faced in enforcing international human rights standards and noted that some of the reports which the Committee had received had been drafted immediately following the civil war and concerned events that had taken place during the fighting. Since that time, the situation had improved in his country. He had attempted to respond to the Committee's questions from both a legal and a practical standpoint and to provide specific answers.

43. He wished to clarify his previous statement concerning excision: he had said that the custom of female excision had been prevalent, and not that it was prevalent. With regard to reports of illegal executions, he said that such executions had occurred immediately following the fighting. In general, any illegal execution that was discovered was severely punished, even during time of war. He was not aware that any minors or juveniles had been executed; however, if the Committee could provide specific names, investigations regarding those cases would be conducted. The problem of individuals bearing arms without licence was one that his Government was attempting to address. In rural communities, however, traditions were strong and men continued to carry weapons such as daggers. A law had been introduced and the population had been warned that those bearing weapons without a licence should lay down their arms or be prosecuted. Nevertheless, it would take some time for people to change, particularly in the countryside, where it was believed that the right to bear arms was a matter of self-defence.

44. With regard to the Supreme Council of Justice, he could provide general information only. The Council was composed of senior judges, the Attorney-General and some members of the Supreme Court. Members of the Council were appointed rather than elected, and only senior judges could be chosen to sit on the Council. The Supreme Council of Justice was responsible for ensuring that judges were properly appointed.

45. The Constitution of Yemen provided a set of general principles to guide legislators in drafting laws. Therefore, when examining how the provisions of the Covenant were implemented in practice, it was necessary to look at the entire body of laws and not merely at the Constitution.

46. Clarifying his statement that individuals whose rights had been violated could present their complaints to the appropriate courts, he added that civil procedures were also available to detained individuals. If the Government was made aware of cases of illegal detention by the judicial police or security

forces, it took steps to put an end to the detention, if appropriate, and imposed sanctions on those responsible. The family of the detainee could present its case in the press or to the authorities. Legal aid was available and attorneys were provided free of charge to those individuals who could not afford to pay.

47. In reply to Mrs. Medina Quiroga's question regarding article 8 of the Political Parties and Organizations Act No. 66 of 1991, which prohibited the establishment or continued activity of any political party which opposed religion, he said that non-practising Muslims in Yemen were not forced to follow religious rites. However, atheist parties that did not recognize the existence of a religion were not acceptable in a traditional Muslim society.

48. In reply to Mr. Klein's question, he said that Mansour Rajih had been accused of voluntary homicide and his case was currently before the courts.

49. Since 1962 the Government had been making an effort to build prisons which met international standards. The prison in Sana'a was not new and was being enlarged in order to alleviate overcrowding. There were currently only four categories of prisoners held in isolation cells. A group of judges had recently visited certain prisons and released a large number of prisoners who had finished their sentences or had not been brought before the courts within the time required. He did not have any statistics on the number of prisoners executed, but would provide them to the Committee in due course. He did not know of any case involving the execution of a child, which would be contrary to the law as well as the traditions and beliefs of the Yemeni people. If the Committee provided him with a specific name, the case would be investigated.

50. The amputation of hands and feet as a form of punishment was practised in some Islamic countries. Many regarded that as a religious question, and it served to deter crime. Under Yemeni law, the authorities sought to decrease the number of such cases through penal procedures. As a result, amputation was only very rarely used as a form of punishment.

51. With regard to the press, he said that no newspaper had been arbitrarily shut down. A newspaper which had been sued by the Government had recently been exonerated by the court and was still being published. The newspaper referred to by Mr. Klein was no longer in operation because of a lack of newsprint, which was difficult to import owing to foreign currency limitations. The owner of the Yemen Times had been detained not because he was a journalist, but because he had held a meeting without permission from the authorities during a state of emergency. The other persons who had been detained at the time were not journalists and had been released several hours later.

52. He noted that the Government intended to amend Yemeni legislation in order to reduce the number of cases involving the imposition of capital punishment.

53. Mr. KRETZMER said that the delegation had not replied to the questions raised concerning the use of flogging and corporal punishment in general.

54. Mr. BUERGENTHAL inquired whether juveniles under the age of 18 could be executed under Yemeni law.

55. Mr. Al-HUBAISHI (Yemen) said that flogging was not provided for under Yemeni law but was a punishment imposed under Shariah. It was practised in prisons as a disciplinary measure and was sometimes used as a substitute for long prison sentences. Children and minors were not executed in Yemen. There were no cases in which persons under the age of 21 had been executed.

56. Mrs. EVATT said it was clear that the civil upheaval and economic problems had affected Yemen's implementation of its obligations under the Covenant. The Committee had not been able to engage in a full dialogue owing to a lack of sufficient information, particularly with regard to human rights violations during the civil upheaval and its aftermath, and the manner in which they had been handled. A number of positive aspects had been brought out, including the legal status of the Covenant under the Yemeni Constitution and the new provisions on the judiciary. The position of women had improved, and there was a commitment to making further progress in that regard. Nevertheless, the status of women according to the letter of the law did not appear to be in conformity with the Covenant. The relevant laws should be brought into line with Yemen's obligations in that regard. Specifically, much more had to be done to ensure de facto equality of women with regard to education and literacy in order to ensure full enjoyment of their civil and political rights.

57. There was a lack of information on the implementation of many articles of the Covenant, and the practice with regard to articles 6, 7, 9 and 10 remained unclear. With regard to the execution of minors, she referred to the case of Nasser Al-Kirbi, a 13-year-old who, according to a report by Amnesty International, had been executed with three others on 21 July 1993. The continued overcrowding of prisons and the laws on freedom of expression were also matters of concern. Nevertheless, she had been encouraged by the dialogue that had taken place with the delegation of Yemen.

58. Mrs. MEDINA QUIROGA said that both culture-specific behaviour patterns and economic problems could delay the changes that were necessary in order to implement the provisions of the Covenant. The Yemeni Constitution was the supreme law of the land, and it was essential that all basic human rights should be enshrined in it. She did not feel that the right to life was guaranteed under the Yemeni Constitution, a serious lacuna that might lead to infringement of that right by the Government. The representative of Yemen had said that a number of questions raised by the Committee were religious questions. It should be kept in mind that some human rights problems were caused by religious beliefs.

59. The next periodic report should indicate how the Government promoted the interpretation of Yemeni laws in accordance with the provisions of the Covenant. The delegation had stated that the Yemeni Government had the right to veto a law. The Committee would expect the Government to veto a law which ran counter to the Covenant.

60. The problems affecting the status of women did not relate solely to education and development; religion also played a role. Marriage contracts, for example, stipulated that the property of a woman was transferred to her husband, on whom she depended entirely. Thus women had no rights in that regard under

the Constitution. She hoped that Yemen would take into account the provisions of the Covenant and implement them as much as possible.

61. Mr. KLEIN said that, although he appreciated the attempt by the delegation to provide complete answers to the questions raised by the Committee, major issues, such as the status of women, corporal punishment and capital punishment for juveniles, remained unresolved. The next report should take account of the Committee's recommendations and provide more information on legislation to protect human rights in accordance with the Covenant.

62. Mr. BUERGENTHAL said he was impressed with the manner in which the representative of Yemen had endeavoured to explain the problems that arose in the legal and religious environment in which the Covenant was to be implemented. He shared the concerns of his colleagues that there were conflicts between the Covenant and the laws and the Constitution of Yemen. He was particularly concerned about discrimination against women, the imposition of the death penalty and the use of corporal punishment. The representative of Yemen had stated that persons under 21 years of age were not executed in that country. Paragraph 23 of the report, however, suggested that an accused person over 15 years of age would be treated as an adult and might be executed. There was nothing in the report that indicated that that was not the case. The representative of Yemen had said that corporal punishment was carried out not under the law, but in accordance with Shariah. Article 3 of the Constitution, however, stated that Shariah was the main source of legislation in Yemen. A number of such contradictions remained unresolved.

63. Mr. FRANCIS said that he supported the comments made by previous speakers. Although some of the answers provided had not been clear, the dialogue had been very useful. He drew attention to a report which indicated that female genital mutilation was practised in the southern coastal areas of Yemen but not in Sana'a and the north; he hoped that the representative of Yemen could use that information to help the Government rectify the situation.

64. Mr. AL-HUBAISHI (Yemen) said that he regretted any lack of information in his replies to the questions raised by the Committee. If the questions could be submitted in writing, he would answer them promptly and also submit a translation of the new Constitution and other laws.

The meeting rose at 6.05 p.m.